

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION

This document relates to:

*“Track One-B Cases”*¹

MDL No. 2804

Case No. 17-md-2804

Judge Dan Aaron Polster

**JOINT MOTION FOR CONTINUANCE
OF DEADLINE FOR FILING EXHIBIT LISTS**

Plaintiffs and Pharmacy Defendants jointly move for a continuance of the current September 17, 2020 deadline for filing exhibit lists and for entry of the order, attached as Exhibit A, setting the deadline for filing exhibit lists to October 21, 2020. In support of this Motion, the parties state as follows:

1. Under the current Revised Track One-B Civil Jury Trial Order, Dkt. 3308, the parties must file exhibit lists no later than noon on Thursday, September 17, 2020 and final objections on Wednesday, October 21, 2020.
2. On September 3, 2020, the Court entered the parties’ Joint Trial Exhibit Stipulation, Dkt. 3452, which set forth various other dates and procedures relating to trial exhibits.

¹ Track One-B cases are *County of Summit, Ohio et al. v. Purdue Pharma, L.P. et al.*, Case No. 1:18-op-45090 (N.D. Ohio) and *County of Cuyahoga v. Purdue Pharma, L.P. et al.*, Case No. 17-op-45004 (N.D. Ohio).

3. The parties have exchanged exhibit lists and, among other things, are working through a process to identify potential joint exhibits. To promote efficiencies and give the parties sufficient time to identify and try to resolve any issues with respect to joint and individual exhibits, the parties jointly request that the date for filing final exhibit lists with the Court be moved to October 21, 2020.
4. All other pre-trial deadlines are unaffected by this Motion.

DATED: September 16, 2020

Respectfully submitted,

/s/ Tara A. Fumerton

Tina M. Tabacchi

Tara A. Fumerton

JONES DAY

77 West Wacker

Chicago, IL 60601

Phone: (312) 269-4335

Fax: (312) 782-8585

E-mail: tmtabacchi@jonesday.com

E-mail: tfumerton@jonesday.com

John M. Majoras

JONES DAY

51 Louisiana Avenue, N.W.

Washington, D.C. 20001-2113

Phone: (202) 879-3939

Fax: (202) 626-1700

E-mail: jmmajoras@jonesday.com

Attorneys for Walmart Inc.

/s/ Alexandra W. Miller (consent)

Alexandra W. Miller
Eric R. Delinsky
Zuckerman Spaeder LLP
1800 M Street, NW
Suite 1000
Washington, DC 20036
Phone: (202) 778-1800
Fax: (202) 822-8106
E-mail: smiller@zuckerman.com
E-mail: edelinsky@zuckerman.com

*Attorneys for CVS Pharmacy, Inc. and Ohio
CVS Stores L.L.C.*

/s/ Timothy D. Johnson (consent)

Timothy D. Johnson
Gregory E. O'Brien
CAVITCH FAMULO & DURKIN, CO. LPA
1300 East Ninth Street – 20th Fl.
Cleveland, OH 44114
Phone: (216) 621-7860
Fax: (216) 621-3415
E-mail: tjohnson@cavitch.com

Attorneys for Discount Drug Mart, Inc.

/s/ Robert M. Barnes (consent)

Robert M. Barnes
Scott D. Livingston
Joshua A. Kobrin
MARCUS & SHAPIRA, LLP
35th Floor, One Oxford Centre
301 Grant Street
Pittsburgh, PA 15219
Phone: (412) 471-3490
Fax: (412) 391-8758
E-mail: rbarnes@marcus-shapira.com
E-mail: livingston@marcus-shapira.com
E-mail: kobrin@marcus-shapira.com

*Attorneys for Giant Eagle, Inc., and HBC
Service Company*

/s/ Kelly A. Moore (consent)

Kelly A. Moore
MORGAN, LEWIS & BOCKIUS LLP
101 Park Avenue
New York, NY 10178
Phone: (212) 309-6612
Fax: (212) 309-6001
E-mail: kelly.moore@morganlewis.com

John P. Lavelle, Jr.
MORGAN, LEWIS & BOCKIUS LLP
1701 Market Street
Philadelphia, PA 19103
Phone: (215) 963-4824
Fax: (215) 963-5001
E-mail: john.lavelle@morganlewis.com

*Attorneys for Rite Aid Hdqtrs. Corp.,
Rite Aid of Ohio, Inc., Rite Aid of Maryland,
Inc. and Eckerd Corp. d/b/a Rite Aid
Liverpool Distribution Center*

/s/ Kaspar Stoffelmayr (consent)

Kaspar Stoffelmayr
Katherine M. Swift
BARTLIT BECK LLP
54 West Hubbard Street
Chicago, IL 60654
Phone: (312) 494-4400
Fax: (312) 494-4440
E-mail: kaspar.stoffelmayr@bartlitbeck.com
E-mail: kate.swift@bartlitbeck.com

*Attorneys for Walgreen Co. and Walgreen
Eastern Co.*

/s/ Paul J. Hanly, Jr. (consent)

Paul J. Hanly, Jr.
SIMMONS HANLY CONROY
112 Madison Avenue, 7th Floor
New York, NY 10016
(212) 784-6400
(212) 213-5949 (fax)
phanly@simmonsfirm.com

Plaintiffs' Co-Lead Counsel

W. Mark Lanier
LANIER LAW FIRM
10940 W. Sam Houston Pkwy N.,
Suite 100
Houston, Texas 77064
(713) 659-5200
(713) 659-2204 (Fax)
Trial Counsel

Joseph F. Rice
MOTLEY RICE LLC
28 Bridgeside Blvd.
Mt. Pleasant, SC 29464
(843) 216-9000
(843) 216-9290 (Fax)
jrice@motleyrice.com

Paul T. Farrell, Jr., Esq.
FARRELL LAW
422 Ninth Street
Huntington, WV 25701
(304) 654-8281
paul@farrell.law

Plaintiffs' Co-Lead Counsel

/s/ Peter H. Weinberger (consent)
Peter H. Weinberger (0022076)
SPANGENBERG SHIBLEY & LIBER
1001 Lakeside Avenue East, Suite 1700
Cleveland, OH 44114
(216) 696-3232
(216) 696-3924 (Fax)
pweinberger@spanglaw.com

Plaintiffs' Liaison Counsel

Don Migliori
MOTLEY RICE LLC
28 Bridgeside Blvd.
Mt. Pleasant, SC 29464
(843) 216-9000
(843) 216-9290 (Fax)
dmigliori@motleyrice.com
Counsel for Plaintiff Summit County

/s/ Frank Gallucci (consent)

Frank Gallucci

PLEVIN & GALLUCCI COMPANY,
L.P.A.

55 Public Square, Suite 222

Cleveland, OH 44113

(216) 861-0804

(216) 861-5322 (Fax)

FGallucci@pglawyer.com

Hunter J. Shkolnik

NAPOLI SHKOLNIK

360 Lexington Ave., 11th Floor

New York, NY 10017

(212) 397-1000

(646) 843-7603 (Fax)

hunter@napolilaw.com

Counsel for Plaintiff Cuyahoga County

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Joint Motion for Continuance of Deadline for Filing Exhibit Lists was filed electronically this 16th day of September 2020. Notice of this filing will be sent by operation of the Court's electronic filing system to counsel of record for all parties as indicated on the electronic filing receipt. Parties and their counsel may access this filing through the Court's system.

/ s/ Tara A. Fumerton
Tara A. Fumerton
Counsel for Defendant Walmart Inc.